

*UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION*

<i>UNITED STATES OF AMERICA, et al.</i>	)	
	)	
<i>Plaintiffs</i>	)	
	)	
v.	)	<i>Case No. 1:10 - CV - 910 - WCG</i>
	)	
<i>NCR CORPORATION, et al.</i>	)	
	)	
<i>Defendants</i>	)	

***DEFENDANT NEWPAGE’S UNOPPOSED MOTION  
TO FILE OPPOSITION, INSTANTER***

Defendant, NewPage Wisconsin Systems, Inc., respectfully moves the Court for leave to file instanter its Opposition to the United States’ Motion for Declaratory Relief and Supporting Memorandum. Docs. 236, 237. In support of its motion, NewPage avers:

1. The United States served its Motion and Memorandum electronically on October 7, 2011, and by operation of Local Civil Rule 7(b) and Federal Civil Rules, 6(d); 5(b)(E), NewPage’s Response was due on October 31, 2011, or two days ago.

2. NewPage was poised to file its Response on October 31, 2011, when that afternoon, your undersigned counsel heard for the first time since the government’s motion was filed, from the Debtor’s New York bankruptcy counsel. Counsel for the Debtor sought to apprise undersigned counsel of jurisdictional arguments undersigned counsel had not intended to include in NewPage’s Response in opposition to the government’s motion.

3. Undersigned counsel was presented with a situation where New York bankruptcy counsel for NewPage was of the mind that a jurisdictional question existed, and undersigned counsel had to choose between filing the opposition on time, but without looking into newly-voiced question(s) of this Court's subject matter jurisdiction, or holding the Response while the jurisdictional question was examined.

4. Undersigned counsel immediately telephoned USA counsel Jeffrey Spector, and advised him a newly-raised issue would delay the filing of the Response, if only for a day or two.

5. Undersigned counsel researched the question that had been raised by Debtor's bankruptcy counsel, and concluded that the jurisdictional issue does not, on the facts of this case, merit presentation to this Court.

6. Undersigned counsel again telephoned Mr. Spector, and told him, generally, the reason for the delay, and Mr. Spector stated he would not oppose this motion to file NewPage's response two-days late, instantly.

WHEREFORE, NewPage prays its motion be granted and the Court direct the clerk to file the Response tendered herewith, instantly.

Respectfully submitted this 2nd day of November 2011

NEWPAGE WISCONSIN SYSTEMS INC.

By: /s/ Daniel C. Murray

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Certificate of Service

I hereby certify that on November 2, 2011, I electronically filed the attached ***Defendant NewPage's Unopposed Motion to File Opposition, Instantly*** with the Clerk of the Court using the CM/ECF system, thereby sending notification of such filing to all attorneys registered in CM/ECF for this case.

/s/ Letitia M. Reyes

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